

REMARKS

Claims 1-57 are currently pending in this application. In the Office Action dated March 21, 2006, the Examiner took the following action: (1) rejected claims 5, 6, 21 and 22 under 35 U.S.C. § 101 for the use of the term “software”; and claims 37-44, 56 and 57 under 35 U.S.C. § 101 as lacking utility; (2) rejected claims 1, 17, 36, and 47 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,443,845 to Hamilton et al. (“Hamilton”) and further in view of U.S. Patent No. 6,301,637 to Krull et al. (“Krull”); (3) objected to claims 12, 30, 45 and 56 under 35 CFR 1.75(c) as being of improper dependent form; and, (4) allowed claims 2-4, 7-15, 18-20, 23-34, 45, 46, and 48-55, if rewritten in independent form.

In response to the Office Action, applicant is canceling claims 2, 18, 45 and 48, and amending independent claims 1, 17, 36 and 47 to place them in condition for allowance. More specifically, applicant is amending claim 1 to incorporate the limitations of allowable claim 2, amending claim 17 to incorporate the limitations of allowable claim 18, amending claim 36 to incorporate the limitations of allowable claim 45, and amending claim 47 to incorporate the limitations of allowable claim 48. Claims depending from claims 1, 17, 36 and 47 are also allowable due to depending from an allowable base claim and further in view of the additional limitations recited in the dependent claims.

Applicant is also adding new claims 58-122, which are rewritten to incorporate the limitations of allowable claims cited by the Office Action. The following tables 1 and 2 summarize the combination of related original claims that have been incorporated to place the new claims in condition for allowance.

TABLE 1. INDEPENDENT CLAIMS

New	Related Original
58	1+9
66	1+10
73	1+12
78	1+13
82	1+15
84	17+27
93	17+30
99	17+31
104	17+33
107	17+34
109	36+46
118	47+53

TABLE 2. DEPENDENT CLAIMS			
New	Related Original	New	Related Original
59	10	110	37
60, 67	11	111	38
61, 68	12	112	39
62, 69, 74	13	113	40
63, 70, 75, 79	14	114	41
64, 71, 76, 80	15	115	42
65, 72, 77, 81, 83	16	116	43
85	28	117	44
86	29	119	54
87	30	120	55
88, 94	31	121	56
89, 95, 100	32	122	57
90, 96, 101	33		
91, 97, 102, 105	34		
92, 98, 103, 106, 108	35		

Applicant is also amending claims 5, 6, 21, 22, 37-44, 56 and 57 to obviate the Section 101 rejections. The amendments do not affect the scope of the claims, but merely improves its form.

Further in response to the Office Action, applicant is amending claims 12, 30 and 56. As the Office Action indicates, the independent claims either state, in one way or another, that $N+P=M$ or that the sum of the two capacities is a fixed value. However, the fixed value is the maximum after adding the values of the two variables. In contrast, amended claims 12, 30 and 56 specify a range of values for each variable N or P, in the case of $N+P=M$, depending on the operation of the memory system or as determined by the user. For example, N or P may be assigned a default value as the minimum value, but that is not the minimum value of the sum $N+P$. Alternatively, each variable may be assigned a maximum value that is not the maximum value of the sum $N+P$. The same reasoning applies when the variables are a first capacity and a second capacity. Amended claims 12, 30 and 56 are therefore narrower in scope than their respective independent claims.

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

- Postcard
- Check
- Fee Transmittal Sheet (+ copy)
- Supp. IDS with (3) Related Applications
- Form PTO-1449 with (3) Cited References

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